

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) MONTEZ, Gene A.		2. EDIP (b) (6), (b) (7)	3. RANK GySgt	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Marine Wing Support Squadron 374 Marine Aircraft Group 16 3D Marine Aircraft Wing Twentynine Palms, CA 92278			6. CURRENT SERVICE a. INITIAL DATE 7 May 14 b. TERM 4 Years	
7. PAY PER MONTH a. BASIC \$4,368.85 b. SEA/FOREIGN DUTY None c. TOTAL \$4,368.85		8. NATURE OF RESTRAINT OF ACCUSED Confinement		9. DATE(S) IMPOSED 3 Jan 18

II. CHARGES AND SPECIFICATIONS

CHARGE I: VIOLATION OF THE UCMJ, ARTICLE 92

Specification 1: In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, while on active duty, on board Marine Corps Air Ground Combat Center, Twentynine Palms, CA, having knowledge of a lawful order issued by (b) (6), (b) (7)(C), U.S. Marine Corps, to wit: Military Protective Order dated 26 July 2017, paragraph 5.b., to remain at all times and places at least 100 feet away from (b) (6), an order which it was his duty to obey, did, on or about 22 December 2017, fail to obey the same by wrongfully coming within 100 feet of the said (b) (6), (b) (7)(C).

Specification 2: In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, CA, having knowledge of a lawful order issued by (b) (6), (b) (7)(C), U.S. Marine Corps, to wit: Military Protective Order dated 26 July 2017, paragraph 5.b., to remain at all times and places at least 100 feet away from (b) (6), an order which it was his duty to obey, did, on divers occasions, between on or about 26 July 2017 and on or about 23 December 2017, fail to obey the same by wrongfully coming within 100 feet of the said (b) (6), (b) (7)(C).

Specification 3: : In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, while on active duty, at or near Marine Corps Air Ground Combat Center, Twentynine Palms, CA, having knowledge of a lawful order issued by (b) (6), (b) (7)(C), U.S. Marine Corps, to wit: Military Protective Order dated 26 July 2017, paragraph 5.a., to refrain from initiating any contact or communication with (b) (6), (b) (7)(C) either directly or through a third party, an order which it was his duty to obey, did, on divers occasions, between on or about 26 July 2017 and on or about 3 January 2018, fail to obey the same by wrongfully initiating contact with the said (b) (6), (b) (7)(C) via electronic communication technology.

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6), (b) (7)(C)	b. GRADE E-3	c. ORGANIZATION OF ACCUSER HQBN, MAGTFTC, 29 Palms, CA 92278
d. SIGNATURE OF ACCUSER (b) (6), (b) (7)(C)		e. DATE 20180116

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 16th day of January, 2018, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

(b) (6), (b) (7)(C)

Typed Name of Officer

Captain

Grade and Service

(b) (6), (b) (7)(C)

Signature

HQBN, MAGTFTC, 29 Palms, CA 92278

Organization of Officer

Judge Advocate

Official Capacity to Administer Oaths
(See R.C.M. 307(b)--must be commissioned officer)

ORIGINAL

IN RED

(b) (6), (b) (7)(C)

Typed Name of Immediate Commander

Second Lieutenant

Grade

(b) (6), (b) (7)(C)

Signature

Organization of Immediate Commander

Grade

(b) (6), (b) (7)(C)

Signature

13. The sworn charges were received at 1000 hours, 17 January 20 18 at Marine Wing Support Squadron 374
Designation of Command or

FOR THE: **Commanding Officer**

(b) (6), (b) (7)(C)

Typed Name of Officer

Official Capacity of Officer Signing

Grade

(b) (6), (b) (7)(C)

Signature

c. DATE

FEB 06 2018

Dated 31 , May 20 17 ,subject to the following instructions:² None

By _____ of
Command or Order

(b) (6), (b) (7)

Typed Name of Officer

Official Capacity of Officer Signing

Lieutenant Colonel

(b) (6), (b) (7)(C)

Signature _____

(b) (6), (b) (7)(C)

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

Signature _____

ORIGINAL
IN RED

FOOTNOTES

1 -- When an appropriate commander signs personally, inapplicable words are stricken.
2 -- See R.C.M. 601(e) concerning instructions. If none, so state.

CHARGE SHEET

I. PERSONAL DATA

1. NAME OF ACCUSED (Last, First, MI) MONTEZ, Gene A.			2. EDIPI (b) (6), (b)	3. RANK GySgt	4. PAY GRADE E-7
5. UNIT OR ORGANIZATION Marine Wing Support Squadron 374 Marine Aircraft Group 16 3D Marine Aircraft Wing Twentynine Palms, CA 92278				6. CURRENT SERVICE	
				a. INITIAL DATE 7 May 14	b. TERM 4 Years
7. PAY PER MONTH			8. NATURE OF RESTRAINT OF ACCUSED		9. DATE(S) IMPOSED
a. BASIC	b. SEA/FOREIGN DUTY	c. TOTAL	Confinement		3 Jan 18
\$4,368.85	None	\$4,368.85			

II. CHARGES AND SPECIFICATIONS

ADDITIONAL CHARGE: VIOLATION OF THE UCMJ, ARTICLE 134

Specification 1 (Adultery): In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, a married man, while on active duty, did, at or near Twentynine Palms, CA, on divers occasions, between on or about 1 July 2017 and on or about 23 December 2017, wrongfully have sexual intercourse with **(b) (6), (b)**, a married woman not his wife, and that said conduct being to the prejudice of good order and discipline in the armed forces.

Specification 2 (Obstructing Justice): In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, while on active duty, did, at an unknown location, on or about 22 December 2017, wrongfully endeavor to impede an investigation in the case of United States v. Montez, by communicating to **(b) (6), (b)** a request to "take everything off your phone now," or words to that effect, such conduct being of a nature to bring discredit upon the armed forces.

Specification 3 (Obstructing Justice): In that Gunnery Sergeant Gene A. MONTEZ, U.S. Marine Corps, while on active duty, did, at an unknown location, on or about 22 December 2017, wrongfully endeavor to impede an investigation in the case of United States v. Montez, by communicating to **(b) (6), (b)** a request to "delete what you have and make sure it's gone," or words to that effect, such conduct being of a nature to bring discredit upon the armed forces.

SEE SUPPLEMENTAL PAGE

III. PREFERRAL

11a. NAME OF ACCUSER (Last, First, MI) (b) (6), (b) (7)(C)	b. GRADE E-3	c. ORGANIZATION OF ACCUSER HQBN, MAGTFTC, 29 Palms, CA 92278
d. SIGNATURE OF ACCUSER (b) (6), (b) (7)(C)		e. DATE 20180117

AFFIDAVIT: Before me, the undersigned, authorized by law to administer oaths in cases of this character, personally appeared the above named accuser this 17th day of January, 20 18, and signed the foregoing charges and specifications under oath that he/she is a person subject to the Uniform Code of Military Justice and that he/she either has personal knowledge of or has investigated the matters set forth therein and that the same are true to the best of his/her knowledge and belief.

(b) (6), (b) (7)(C)

Typed Name of Officer

Captain

Grade and Service

(b) (6), (b) (7)(C)

Signature

HQBN, MAGTFTC, 29 Palms, CA 92278

Organization of Officer

Judge Advocate

Official Capacity to Administer Oaths
(See R.C.M. 307(b)—must be commissioned officer)

ORIGINAL

IN RED

12. On 22 January, 20 18, the accused was informed of the charges against him/her and of the name(s) of the accuser(s) known to me. (See R.C.M. 308(a)). (See R.C.M. 308 if notification cannot be made.)

(b) (6), (b) (7)(C)

Typed Name of Immediate Commander

Marine Wing Support Squadron 374

Organization of Immediate Commander

Second Lieutenant

(b) (6), (b) (7)(C)

Signature

IV. RECEIPT BY SUMMARY COURT-MARTIAL CONVENING AUTHORITY

13. The sworn charges were received at 0900 hours, 19 January, 20 18 at Marine Wing Support Squadron 374
Designation of Command or

Officer Exercising Summary Court-Martial Jurisdiction (See R.C.M. 403)

FOR THE¹ Commanding Officer

(b) (6), (b) (7)(C)

Typed Name of Officer

Official Capacity of Officer Signing

Second Lieutenant

Grade

(b) (6), (b) (7)(C)

Signature

V. REFERRAL; SERVICE OF CHARGES

14a. DESIGNATION OF COMMAND OF CONVENING AUTHORITY

Marine Wing Support Squadron 374

b. PLACE

Twentynine Palms, CA

c. DATE

FEB 06 2018

Referred for trial to the Special court-martial convened by SPCMCO # 1-17

Dated 31, May, 20 17, subject to the following instructions:² None

By //////////////////// of
Command or Order

(b) (6), (b) (7)(C)

Typed Name of Officer

Commanding Officer

Official Capacity of Officer Signing

Lieutenant Colonel

(b) (6), (b) (7)(C)

Signature

Signature

15. On , 20 18, I (caused to be) served a copy hereof on (each of) the above named accused.

(b) (6), (b) (7)(C)

Typed Name of Trial Counsel

Captain

Grade or Rank of Trial Counsel

Signature

ORIGINAL
IN RED

FOOTNOTES

1 - When an appropriate commander signs personally, inapplicable words are stricken.

2 - See R.C.M. 601(e) concerning instructions. If none, so state.